

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

SEYMOUR STATEN	)	
	)	
v.	)	No. 3:10-0029
	)	JUDGE CAMPBELL
UNITED STATES OF AMERICA	)	

ORDER

Pending before the Court is a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside, Or Correct Sentence By A Person In Federal Custody (Docket No. 1), and supporting documents (Dockets No. 9, 10), filed by the Movant/Petitioner (hereinafter “Petitioner”), pro se. After the Court appointed counsel, Petitioner filed a Motion To Address Other Issues At Evidentiary Hearing (Docket No. 34), and supporting Memorandum (Docket No. 35), which the Court granted. (Docket No. 37). The Government has filed a brief and the affidavit of trial counsel in response to the Motion To Vacate. (Docket Nos. 24, 24-1). The Court held an evidentiary hearing in this case on February 3, 2011.


Based on the evidence adduced at that hearing, the pleadings and briefs filed by both parties, the record of Petitioner's underlying conviction, and the entire record in this case, the Court concludes, for the reasons set forth in the accompanying Memorandum, that Petitioner's Motion is To Vacate is DENIED, and this action is DISMISSED.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Memorandum and Order, such notice shall be treated as a application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial

of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.

  
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TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE